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09/897,901

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Jeffrey Norris

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WASHINGTON, DC 20005

EXAMINER

LAstra, DANIEL

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/897,901

Applicant(s)

NORRIS, JEFFREY

Examiner

DANIEL LASTRA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-105 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-105 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03/28/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-105 have been examined. Application 09/897,901 has a filing date 07/05/2001

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-23, 25-58, 60-93 and 95-105 are rejected under 35 U.S.C. 102(b) as being anticipated by Gardenswartz et al (U.S. 6,055,573).

As per claim 1, Gardenswartz teaches:

A method for providing purchase transaction incentives using a financial product having an identification code that may be scanned at a point-of-sale terminal, the method comprising:

tracking a purchase transaction by a consumer based on identification data obtained from scanning of the identification code on the financial product (see column 5, lines 44-60; column 4, lines 12-25);

receiving data relating to the transaction and receiving identification data relating to the identification code for storage in a transaction database (see column 6, lines 5-25); and

providing a purchase transaction incentive based on the stored data relating to the transaction and the stored identification data relating to the identification code,

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wherein the purchase transaction incentive provides an incentive to the consumer to make a purchase (see column 4, lines 12-25).

As per claim 2, Gardenswartz teaches:

The method of claim 1, wherein the transaction data received from tracking the purchase transaction identify at least one of the items purchased, a merchant associated with the purchase, and the time the consumer made the purchase (see column 5, lines 60-67).

As per claim 3, Gardenswartz teaches:

The method of claim 1, wherein the identification code identifies a particular consumer (see column 8, lines 33-36).

As per claim 4, Gardenswartz teaches:

The method of claim 1, wherein receiving the transaction data and the identification data further includes:

associating the transaction data for a particular transaction with the identification data for that transaction and storing the transaction data and the identification data in the transaction database based on the association between the transaction data and the identification data (see column 6, line 54 – column 7, line 25).

As per claim 5, Gardenswartz teaches:

The method of claim 1, wherein providing the purchase transaction incentive further includes:

selecting a subset of the stored transaction data based on predetermined market criteria describing a market population of consumers (see column 12, lines 35-56);

associating the selected subset of the stored transaction data with at least one particular consumer based on the stored identification data and providing the purchase transaction incentive to the at least one particular consumer (see column 12, lines 35-56; column 12, lines 1-16).

As per claim 6, Gardenswartz teaches:

The method of claim 5, wherein the predetermined market criteria correspond to selected transaction data stored in the transaction database (see column 12, lines 29-56).

As per claim 7, Gardenswartz teaches:

The method of claim 5, wherein providing the purchase transaction incentive further includes:

identifying whether the consumers associated with the selected subset of the stored transaction data have purchased an item (see column 12, lines 29-56);

determining attributes of a first group of consumers in the market population who have purchased the item (see column 15, lines 19-40);

determining attributes of a second group of consumers in the market population who have not purchased the item and determining differences between the first group of consumers and the second group of consumers to identify attributes of consumers exhibiting a desired buying behavior (see column 15, lines 1-40).

As per claim 8, Gardenswartz teaches:

The method of claim 7, wherein the attributes of the first and second group of consumers are included in the stored transaction data (see column 15, lines 1-40).

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As per claim 9, Gardenswartz teaches:

The method of claim 7, wherein providing a purchase transaction incentive further includes:

providing incentives to consumers in the second group of consumers (see column 16, lines 15-36).

As per claim 10, Gardenswartz teaches:

The method of claim 5, wherein providing the purchase transaction incentive further includes:

selecting a marketing channel for providing the purchase transaction incentive to the market population of consumers and evaluating the success of the purchase transaction incentive, as provided, through the marketing channel, based on the stored transaction data (see column 15, lines 5-65).

As per claim 11, Gardenswartz teaches:

The method of claim 10, wherein evaluating the success of the purchase transaction incentive further includes:

associating stored transaction data with consumers who were provided the purchase transaction incentive based on the identification data (see column 6, lines 54-67);

analyzing the associated transaction data to determine whether the consumer purchased the item associated with the purchase transaction incentive (see column 6, lines 55-67); and

evaluating the success of the purchase transaction incentive based on the determined purchases of the item (see column 17, lines 45-67).

As per claim 12, Gardenswartz teaches:

The method of claim 10, wherein providing the purchase transaction incentive further includes:

selecting a plurality of marketing channels for providing the purchase transaction incentive to the market population of consumers (see column 40-55) and

ranking each marketing channel based on the success of the purchase transaction incentive as provided through that marketing channel (see column 16, lines 15-35; column 18, lines 6-30; column 9, lines 1-15).

As per claim 13, Gardenswartz teach:

The method of claim 12, wherein providing the purchase transaction incentive further includes providing the purchase transaction incentive using the highest ranked marketing channel. The same rejection applied to claim 12 is applied to claim 13.

As per claim 14, Gardenswartz teaches:

The method of claim 5, wherein providing the purchase transaction incentive further includes:

providing a plurality of purchase transaction incentives to the market population of consumers; and ranking each purchase transaction incentive based on the success of the purchase transaction incentive (see column 15, lines 5-65).

As per claim 15, Gardenswartz teaches:

The method of claim 14, wherein ranking the purchase transaction incentive further includes:

associating stored transaction data with consumers who were provided the purchase transaction incentive based on the identification data (see column 18, lines 55-67);

analyzing the associated transaction data to determine whether the consumer purchased the item associated with the purchase transaction incentive and ranking the purchase transaction incentive based on the determined purchases of the item (see column 17, lines 19-44).

As per claim 16, Gardenswartz teaches:

The method of claim 14, wherein providing the purchase transaction incentive further includes:

providing to the consumer the highest ranked purchase transaction incentive (see column 15, lines 1-40).

As per claim 17, Gardenswartz teaches:

The method of claim 1, wherein the transaction is at least one of a credit card transaction, a cash tender transaction, and a check tender transaction (see column 5, lines 44-60).

As per claim 18, Gardenswartz teaches:

The method of claim 17, wherein the transaction is a credit card transaction using a credit card other than the credit card with the identification code (see column 5, lines 44-67).



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As per claim 19, Gardenswartz teaches:

The method of claim 1, wherein the purchase transaction incentive comprises a discount for an offered item (see column 14, lines 50-67).

As per claim 20, Gardenswartz teaches:

The method of claim 1, wherein providing the purchase transaction incentive further includes:

associating the stored transaction data with at least one particular consumer based on the stored identification data and providing the incentive to the at least one particular consumer based on the transaction data associated with the particular consumer (see column 10, lines 24-34).

As per claim 21, Gardenswartz teaches:

The method of claim 20, wherein providing a purchase transaction incentive further includes:

issuing to the at least one particular consumer reward points that may be used in a rewards point redemption program (see column 14, lines 50-67).

As per claim 22, Gardenswartz teaches:

The method of claim 20, wherein providing a purchase transaction incentive further includes:

providing to the at least one particular consumer credit enhanced shopping opportunities (see column 14, lines 50-67).

As per claim 23, Gardenswartz teaches:

The method of claim 20, wherein providing a purchase transaction incentive further includes:

providing to the consumer an advertisement to purchase an item (see column 14, lines 50-67).

As per claim 25, Gardenswartz teaches:

The method of claim 1, wherein the identification code identifies the consumer as belonging to a predefined group of consumers that may receive discounts when transacting with a participating retailer (see column 12, lines 29-56; column 16, lines 37-45).

As per claim 26, Gardenswartz teaches:

The method of claim 1, wherein tracking a purchase transaction by a consumer further includes:

determining whether the consumer is eligible for an instant purchase transaction incentive (see column 20, lines 10-25).

As per claim 27, Gardenswartz teaches:

The method of claim 26, wherein providing a purchase transaction incentive further includes:

providing an instant purchase transaction incentive at the point-of-sale terminal (see column 20, lines 9-25).

As per claim 28, Gardenswartz teaches:

The method of claim 27, wherein the instant purchase transaction incentive comprises an instant coupon (see column 20, lines 9-25).

As per claim 29, Gardenswartz teaches:

The method of claim 27, wherein the instant purchase transaction incentive comprises a percentage discount (see column 20, lines 9-25).

As per claim 30, Gardenswartz teaches:

The method of claim 27, wherein the instant purchase transaction incentive comprises a rebate (see column 20, lines 9-25).

As per claim 31, Gardenswartz teaches:

The method of claim 1, wherein the identification code is at least one of a bar code, a numeric code, a digital code, a visual code, and a magnetic code (see column 5, lines 44-60).

As per claim 32, Gardenswartz teaches:

The method of claim 1, wherein the transaction data describe an item purchased by the consumer (see column 6, lines 5-25).

As per claim 33, Gardenswartz teaches:

The method of claim 1, wherein the transaction data describe when the consumer purchased an item (see column 16, lines 36-50).

As per claim 34, Gardenswartz teaches:

The method of claim 1, wherein the transaction data describe where the consumer purchased an item (see column 16, 34-50).

As per claim 35, Gardenswartz teaches:

The method of claim 1, wherein the transaction data describe a method of payment with which the consumer purchased an item (see column 5, lines 44-67).

As per claim 36, Gardenswartz teaches:

An system for providing purchase transaction incentives using a financial, product having an identification code that may be scanned at a point-of-sale terminal, the system comprising:

means for tracking a purchase transaction by a consumer based on identification data obtained from scanning of the identification code on the financial product;

means for receiving data relating to the transaction and receiving identification data relating to the identification code for storage in a transaction database; and means for providing a purchase transaction incentive based on the stored data relating to the transaction and the stored identification data relating to the identification code, wherein the purchase transaction incentive provides an incentive to the consumer to make a purchase. The same rejection applied to claim 1 is applied to claim 36.

As per claim 37, Gardenswartz teaches:

The system of claim 36, wherein the transaction data received from tracking the purchase transaction identify at least one of the items purchased, a merchant associated with the purchase, and the time the consumer made the purchase. The same rejection applied to claim 2 is applied to claim 37.

As per claim 38, Gardenswartz teaches:

The system of claim 36, wherein the identification code identifies a particular consumer. The same rejection applied to claim 3 is applied to claim 38.

As per claim 39, Gardenswartz teaches:

The system of claim 36, wherein the means for receiving the transaction data and the identification data further comprises:

means for associating the transaction data for a particular transaction with the identification data for that transaction; and

means for storing the transaction data and the identification data in the transaction database based on the association between the transaction data and the identification data. The same rejection applied to claim 4 is applied to claim 39.

As per claim 40, Gardenswartz teaches:

The system of claim 36, wherein the means for providing the purchase transaction incentive further comprises:

means for selecting a subset of the stored transaction data based on predetermined market criteria describing a market population of consumers;

means for associating the selected subset of the stored transaction data with at least one particular consumer based on the stored identification data; and

means for providing the purchase transaction incentive to the at least one particular consumer. The same rejection applied to claim 5 is applied to claim 40.

As per claim 41, Gardenswartz teaches:

The system of claim 40, wherein the predetermined market criteria correspond to selected transaction data stored in the transaction database. The same rejection applied to claim 6 is applied to claim 41.

As per claim 42, Gardenswartz teaches:

The system of claim 40, wherein the means for providing the purchase transaction incentive further comprises:

means for identifying whether the consumers associated with the selected subset of the stored transaction data have purchased an item;

means for determining attributes of a first group of consumers in the market population who have purchased the item;

means for determining attributes of a second group of consumers in the market population who have not purchased the item; and

means for determining differences between the first group of consumers and the second group of consumers to identify attributes of consumers exhibiting a desired buying behavior. The same rejection applied to claim 7 is applied to claim 42.

As per claim 43, Gardenswartz teaches:

The system of claim 42, wherein the attributes of the first and second group of consumers are included in the stored transaction data. The same rejection applied to claim 8 is applied to claim 43.

As per claim 44, Gardenswartz teaches:

The system of claim 42, wherein the means for providing a purchase transaction incentive further comprises:

means for providing incentives to consumers in the second group of consumers. The same rejection applied to claim 9 is applied to claim 44.

As per claim 45, Gardenswartz teaches:

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The system of claim 40, wherein the means for providing the purchase transaction incentive further comprises:

means for selecting a marketing channel for providing the purchase transaction incentive to the market population of consumers; and

means for evaluating the success of the purchase transaction incentive, as provided through the marketing channel, based on the stored transaction data. The same rejection applied to claim 10 is applied to claim 45.

As per claim 46, Gardenswartz teaches:

The system of claim 45, wherein the means for evaluating the success of the purchase transaction incentive further comprises:

means for associating stored transaction data with consumers who were provided the purchase transaction incentive based on the identification data;

means for analyzing the associated transaction data to determine whether the consumer purchased the item associated with the purchase transaction incentive; and  
means for evaluating the success of the purchase transaction incentive based on the determined purchases of the item. The same rejection applied to claim 11 is applied to claim 46.

As per claim 47, Gardenswartz teaches:

The system of claim 45, teach wherein the means for providing the purchase transaction incentive further comprises:

means for selecting a plurality of marketing channels for providing the purchase transaction incentive to the market population of consumers; and

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means for ranking each marketing channel based on the success of the purchase transaction incentive as provided through that marketing channel. The same rejection applied to claim 12 is applied to claim 47.

As per claim 48, Gardenswartz teach:

The system of claim 47, wherein the means for providing the purchase transaction incentive further comprises:

means for providing the purchase transaction incentive using the highest ranked marketing channel. The same rejection applied to claim 13 is applied to claim 48.

As per claim 49, Gardenswartz teaches:

The system of claim 40, wherein the means for providing the purchase transaction incentive further comprises:

means for providing a plurality of purchase transaction incentives to the market population of consumers; and

means for ranking each purchase transaction incentive based on the success of the purchase transaction incentive. The same rejection applied to claim 14 is applied to claim 49.

As per claim 50, Gardenswartz teaches:

The system of claim 49, wherein the means for ranking the purchase transaction incentive further comprises:

means for associating stored transaction data with consumers who were provided the purchase transaction incentive based on the identification data;



means for analyzing the associated transaction data to determine whether the consumer purchased the item associated with the purchase transaction incentive; and means for ranking the purchase transaction incentive based on the determined purchases of the item. The same rejection applied to claim 15 is applied to claim 50.

As per claim 51, Gardenswartz teaches:

The system of claim 49, wherein the means for providing the purchase transaction incentive further comprises:

means for providing to the consumer the highest ranked purchase transaction incentive. The same rejection applied to claim 16 is applied to claim 51.

As per claim 52, Gardenswartz teaches:

The system of claim 36, wherein the transaction is at least one of a credit card transaction, a cash tender transaction, and a check tender transaction. The same rejection applied to claim 17 is applied to claim 52.

As per claim 53, Gardenswartz teaches:

The system of claim 52, wherein the transaction is a credit card transaction using a credit card other than the credit card with the identification code. The same rejection applied to claim 18 is applied to claim 53.

As per claim 54, Gardenswartz teaches:

The system of claim 36, wherein the purchase transaction incentive comprises a discount for an offered item. The same rejection applied to claim 19 is applied to claim 54.

As per claim 55, Gardenswartz teaches:

The system of claim 36, wherein the means for providing the purchase transaction incentive further comprises:

means for associating the stored transaction data with at least one particular consumer based on the stored identification data; and

means for providing the incentive to the at least one particular consumer based on the transaction data associated with the particular consumer. The same rejection applied to claim 20 is applied to claim 55.

As per claim 56, Gardenswartz teaches:

The system of claim 55, wherein the means for providing a purchase transaction incentive further comprises:

means for issuing to the at least one particular consumer reward points that may be used in a rewards point redemption program. The same rejection applied to claim 21 is applied to claim 56.

As per claim 57, Gardenswartz teaches:

The system of claim 55, wherein the means for providing a purchase transaction incentive further comprises:

means for providing to the at least one particular consumer credit enhanced shopping opportunities. The same rejection applied to claim 22 is applied to claim 57.

As per claim 58, Gardenswartz teaches:

The system of claim 55, wherein the means for providing a purchase transaction incentive further comprises:

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means for providing to the consumer an advertisement to purchase an item. The same rejection applied to claim 23 is applied to claim 58.

As per claim 60, Gardenswartz teaches:

The system of claim 36, wherein the identification code identifies the consumer as belonging to a predefined group of consumers that may receive discounts when transacting with a participating retailer. The same rejection applied to claim 25 is applied to claim 60.

As per claim 61, Gardenswartz teaches:

The system of claim 36, wherein the means for tracking a purchase transaction by a consumer further comprises:

means for determining whether the consumer is eligible for an instant purchase transaction incentive. The same rejection applied to claim 26 is applied to claim 61.

As per claim 62, Gardenswartz teaches:

The system of claim 61, wherein providing a purchase transaction incentive further comprises:

means for providing an instant purchase transaction incentive at the point-of-sale terminal. The same rejection applied to claim 27 is applied to claim 62.

As per claim 63, Gardenswartz teaches:

The system of claim 62, wherein the instant purchase transaction incentive comprises an instant coupon. The same rejection applied to claim 28 is applied to claim 63.

As per claim 64, Gardenswartz teaches:

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The system of claim 62, wherein the instant purchase transaction incentive comprises a percentage discount. The same rejection applied to claim 29 is applied to claim 64.

As per claim 65, Gardenswartz teaches:

The system of claim 62, wherein the instant purchase transaction incentive comprises a rebate. The same rejection applied to claim 30 is applied to claim 65.

As per claim 66, Gardenswartz teaches:

The system of claim 36, wherein the identification code is at least one of a bar code, a numeric code, a digital code, a visual code, and a magnetic code. The same rejection applied to claim 31 is applied to claim 66.

As per claim 67, Gardenswartz teaches:

The system of claim 36, wherein the transaction data describe an item purchased by the consumer. The same rejection applied to claim 32 is applied to claim 67.

As per claim 68, Gardenswartz teaches:

The system of claim 36, wherein the transaction data describe when the consumer purchased an item. The same rejection applied to claim 33 is applied to claim 68.

As per claim 69, Gardenswartz teaches:

The system of claim 36, wherein the transaction data describe where the consumer purchased an item. The same rejection applied to claim 34 is applied to claim 69.

As per claim 70, Gardenswartz teaches:

The system of claim 36, wherein the transaction data describe a method of payment with which the consumer purchased an item. The same rejection applied to claim 35 is applied to claim 70.

As per claim 71, Gardenswartz teaches:

A computer for providing purchase transaction incentives using a financial product having an identification code that may be scanned at a point-of-sale terminal, the computer comprising:

- a memory having programming instructions; and

- a processor, responsive to the programming instructions, configured to:

- track a purchase transaction by a consumer based on identification data obtained from scanning of the identification code on the financial product;

- receive data relating to the transaction and receiving identification data relating to the identification code for storage in a transaction database; and

- provide a purchase transaction incentive based on the stored data relating to the transaction and the stored identification data relating to the identification code, wherein the purchase transaction incentive provides an incentive to the consumer to make a purchase. The same rejection applied to claim 1 is applied to claim 71.

As per claim 72, Gardenswartz teaches:

The computer of claim 71, wherein the transaction data received from tracking the purchase transaction identify at least one of the items purchased, a merchant associated with the purchase, and the time the consumer made the purchase. The same rejection applied to claim 2 is applied to claim 72.

As per claim 73, Gardenswartz teaches:

The computer of claim 71, wherein the identification code identifies a particular consumer. The same rejection applied to claim 3 is applied to claim 73.

As per claim 74, Gardenswartz teaches:

The computer of claim 71, wherein receiving the transaction data and the identification data further includes:

associating the transaction data for a particular transaction with the identification data for that transaction; and

storing the transaction data and the identification data in the transaction database based on the association between the transaction data and the identification data. The same rejection applied to claim 4 is applied to claim 74.

As per claim 75, Gardenswartz teaches:

The computer of claim 71, wherein providing the purchase transaction incentive further includes:

selecting a subset of the stored transaction data based on predetermined market criteria describing a market population of consumers;

associating the selected subset of the stored transaction data with at least one particular consumer based on the stored identification data; and

providing the purchase transaction incentive to the at least one particular consumer. The same rejection applied to claim 5 is applied to claim 75.

As per claim 76, Gardenswartz teaches:

The computer of claim 75, wherein the predetermined market criteria correspond to selected transaction data stored in the transaction database. The same rejection applied to claim 6 is applied to claim 76.

As per claim 77, Gardenswartz teaches:

The computer of claim 75, wherein providing the purchase transaction incentive further includes:

identifying whether the consumers associated with the selected subset of the stored transaction data have purchased an item;

determining attributes of a first group of consumers in the market population who have purchased the item;

determining attributes of a second group of consumers in the market population who have not purchased the item; and

determining differences between the first group of consumers and the second group of consumers to identify attributes of consumers exhibiting a desired buying behavior. The same rejection applied to claim 7 is applied to claim 77.

As per claim 78, Gardenswartz teaches:

The computer of claim 77, wherein the attributes of the first and second group of consumers are included in the stored transaction data. The same rejection applied to claim 8 is applied to claim 78.

As per claim 79, Gardenswartz teaches:

The computer of claim 77, wherein providing a purchase transaction incentive further includes:

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providing incentives to consumers in the second group of consumers. The same rejection applied to claim 9 is applied to claim 79.

As per claim 80, Gardenswartz teaches:

The computer of claim 75, wherein providing the purchase transaction incentive further includes:

selecting a marketing channel for providing the purchase transaction incentive to the market population of consumers; and

evaluating the success of the purchase transaction incentive, as provided through the marketing channel, based on the stored transaction data. The same rejection applied to claim 10 is applied to claim 80.

As per claim 81, Gardenswartz teaches:

The computer of claim 80, wherein evaluating the success of the purchase transaction incentive further includes:

associating stored transaction data with consumers who were provided the purchase transaction incentive based on the identification data;

analyzing the associated transaction data to determine whether the consumer purchased the item associated with the purchase transaction incentive; and

evaluating the success of the purchase transaction incentive based on the determined purchases of the item. The same rejection applied to claim 11 is applied to claim 81.

As per claim 82, Gardenswartz teaches:



The computer of claim 80, wherein providing the purchase transaction incentive further includes:

selecting a plurality of marketing channels for providing the purchase transaction incentive to the market population of consumers; and

ranking each marketing channel based on the success of the purchase transaction incentive as provided through that marketing channel. The same rejection applied to claim 12 is applied to claim 82.

As per claim 83, Gardenswartz teaches:

The computer of claim 82, wherein providing the purchase transaction incentive further includes:

providing the purchase transaction incentive using the highest ranked marketing channel. The same rejection applied to claim 13 is applied to claim 83.

As per claim 84, Gardenswartz teaches:

The computer of claim 75, wherein providing the purchase transaction incentive further includes:

providing a plurality of purchase transaction incentives to the market population of consumers; and

ranking each purchase transaction incentive based on the success of the purchase transaction incentive. The same rejection applied to claim 14 is applied to claim 84.

As per claim 85, Gardenswartz teaches:

The computer of claim 84, wherein ranking the purchase transaction incentive further includes:

associating stored transaction data with consumers who were provided the purchase transaction incentive based on the identification data;

analyzing the associated transaction data to determine whether the consumer purchased the item associated with the purchase transaction incentive; and

ranking the purchase transaction incentive based on the determined purchases of the item. The same rejection applied to claim 15 is applied to claim 85.

As per claim 86, Gardenswartz teaches:

The computer of claim 84, wherein providing the purchase transaction incentive further includes:

providing to the consumer the highest ranked purchase transaction incentive.

The same rejection applied to claim 16 is applied to claim 86.

As per claim 87, Gardenswartz teaches:

The computer of claim 71, wherein the transaction is at least one of a credit card transaction, a cash tender transaction, and a check tender transaction. The same rejection applied to claim 17 is applied to claim 87.

As per claim 88, Gardenswartz teaches:

The computer of claim 87, wherein the transaction is a credit card transaction using a credit card other than the credit card with the identification code. The same rejection applied to claim 18 is applied to claim 88.

As per claim 89, Gardenswartz teaches:

The computer of claim 71, wherein the purchase transaction incentive comprises a discount for an offered item. The same rejection applied to claim 19 is applied to claim 89.

As per claim 90, Gardenswartz teaches:

The computer of claim 71, wherein providing the purchase transaction incentive further includes:

associating the stored transaction data with at least one particular consumer based on the stored identification data; and

providing the incentive to the at least one particular consumer based on the transaction data associated with the particular consumer. The same rejection applied to claim 20 is applied to claim 90.

As per claim 91, Gardenswartz teaches:

The computer of claim 90, wherein providing a purchase transaction incentive further includes:

issuing to the at least one particular consumer reward points that may be used in a rewards point redemption program. The same rejection applied to claim 21 is applied to claim 91.

As per claim 92, Gardenswartz teaches:

The computer of claim 90, wherein providing a purchase transaction incentive further includes:

providing to the at least one particular consumer credit enhanced shopping opportunities. The same rejection applied to claim 22 is applied to claim 92.

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As per claim 93, Gardenswartz teaches:

The computer of claim 90, wherein providing a purchase transaction incentive further includes:

means for providing to the consumer an advertisement to purchase an item. The same rejection applied to claim 23 is applied to claim 93.

As per claim 95, Gardenswartz teaches:

The computer of claim 71, wherein the identification code identifies the consumer as belonging to a predefined group of consumers that may receive discounts when transacting with a participating retailer. The same rejection applied to claim 25 is applied to claim 95.

As per claim 96, Gardenswartz teaches:

The computer of claim 71, wherein tracking a purchase transaction by a consumer further includes:

determining whether the consumer is eligible for an instant purchase transaction incentive. The same rejection applied to claim 26 is applied to claim 96.

As per claim 97, Gardenswartz teaches:

The computer of claim 96, wherein providing a purchase transaction incentive further includes:

providing an instant purchase transaction incentive at the point-of-sale terminal. The same rejection applied to claim 27 is applied to claim 97.

As per claim 98, Gardenswartz teaches:

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The computer of claim 97, wherein the instant purchase transaction incentive comprises an instant coupon. The same rejection applied to claim 28 is applied to claim 98.

As per claim 99, Gardenswartz teaches:

The computer of claim 97, wherein the instant purchase transaction incentive comprises a percentage discount. The same rejection applied to claim 29 is applied to claim 99.

As per claim 100, Gardenswartz teaches:

The computer of claim 97, wherein the instant purchase transaction incentive comprises a rebate. The same rejection applied to claim 30 is applied to claim 100.

As per claim 101, Gardenswartz teaches:

The computer of claim 71, wherein the identification code is at least one of a bar code, a numeric code, a digital code, a visual code, and a magnetic code. The same rejection applied to claim 31 is applied to claim 101.

As per claim 102, Gardenswartz teaches:

The computer of claim 71, wherein the transaction data describe an item purchased by the consumer. The same rejection applied to claim 32 is applied to claim 102.

As per claim 103, Gardenswartz teaches:

The computer of claim 71, wherein the transaction data describe when the consumer purchased an item. The same rejection applied to claim 33 is applied to claim 103.

As per claim 104, Gardenswartz teaches:

The computer of claim 71, wherein the transaction data describe where the consumer purchased an item. The same rejection applied to claim 34 is applied to claim 104.

As per claim 105, Gardenswartz teaches:

The computer of claim 71, wherein the transaction data describe a method of payment with which the consumer purchased an item. The same rejection applied to claim 35 is applied to claim 105.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24, 59 and 94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardenswartz et al (U.S. 6,055,573).

As per claim 24, Gardenswartz teaches:

The method of claim 20, but does not expressly teach further including:

using the identification code to facilitate a return of a purchased item to a merchant. However, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that merchants use customers' identification codes to link purchased items to customers, therefore, facilitating the return of the

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purchased items. This feature would not patentably distinguish the claimed invention from the prior art.

As per claim 59, Gardenswartz teaches:

The system of claim 55, but does not expressly teach further comprising:

means for using the identification code to facilitate a return of a purchased item to a merchant. The same rejection applied to claim 24 is applied to claim 59.

As per claim 94, Gardenswartz teaches:

The computer of claim 90, but does not expressly teach wherein the processor is further configured to:

use the identification code to facilitate a return of a purchased item to a merchant. The same rejection applied to claim 24 is applied to claim 94.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 703-306-5933. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W STAMBER can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra  
December 6, 2006

*Raquel Alvarez*  
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